

Regular Session, 2011

HOUSE BILL NO. 534

BY REPRESENTATIVE CARTER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CURRICULA/DRIVER ED: Consolidates driver education programs under the auspices of the Department of Corrections and Public Safety, Public Safety Services

1 AN ACT
2 To amend and reenact R.S. 22:1457(A)(2), R.S. 32:402(B)(1)(a)(ii)(bb),
3 402.1(A)(introductory paragraph), (A)(1), (A)(2), (A)(2)(a), (g) and (h),
4 407(A)(2)(a), (4) and (6), 408(A)(4)(a), 408.1 (introductory paragraph), (2), (2)(a),
5 (2)(b), (2)(c), (2)(d), and (2)(e), 416, 417, 422(A) and (B), 422.1 (A) and (B), R.S.
6 40:1461(A) and (C), R.S. 47:305.26 and 479.1 and to repeal R.S. 17:270, 271 and
7 271.1, R.S. 32:402.1(A)(3)(a),(b), (B) and (C) and 402.2, relative to driver's
8 education programs; to consolidate all driver's education programs and instruction
9 under the Department of Public Safety and Corrections, Public Safety Services; to
10 remove all driver's education programs and instruction from the Department of
11 Education; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 22:1457(A)(2) is hereby amended and reenacted to read as follows:

14 §1457. Discounts; rate reductions

15 A.(1) * * *

16 (2) The form of certification shall be as determined by the commissioner.

17 The credit shall not apply to experience-rated or assigned risk policies, or to policies

18 subject to a discount for an approved driver education course sanctioned by the

19 Department of ~~Education~~ Public Safety and Corrections, Public Safety Services, or

20 required to pay a substandard risk surcharge for such insurance, or to any person

1 whose enrollment in a defensive driving course resulted from a court order or
2 sentence directing such enrollment.

3 * * *

4 Section 2. R.S.32:402(B)(1)(a)(ii)(bb), 402.1(A)(introductory paragraph), (A)(1),
5 (A)(2), (A)(2)(a), (g) and (h), 407(A)(2)(a), (4) and (6), 408(A)(4)(a), 408.1 (introductory
6 paragraph), (2), (2)(a), (2)(b), (2)(c), (2)(d), and (2)(e), 416, 417, 422(A) and (B), 422.1 (A)
7 and (B) are hereby amended and reenacted to read as follows:

8 §402. All drivers must secure license; exception; emergency vehicle exceptions;
9 military personnel exceptions; violations

10 * * *

11 B.(1)(a)(i)

12 * * *

13 (ii) The provisions of Item (I) of this Subparagraph shall not apply in the
14 following circumstances:

15 (aa)

16 * * *

17 (bb) When an unlicensed minor is participating in a driver education course
18 or a prelicensing training course approved and certified by the Department of Public
19 Safety and Corrections, Public Safety Services ~~or the Department of Education~~.

20 * * *

21 §402.1. Driver education; required

22 A. No application for a license for the operation of a motor vehicle shall be
23 received from any person ~~seventeen years or older~~ making application for the first
24 time unless there is also submitted with the application, on a form approved by the
25 secretary of the Department of Public Safety and Corrections, Public Safety Services
26 ~~or the Department of Education~~, written evidence of the successful completion by
27 the applicant of one of the following:

28 (1) A "driver education course" for minors under the age of seventeen, which
29 shall consist of not less than eight hours of actual driving ~~experience~~ instruction and

1 thirty hours of classroom instruction, ~~including but not limited to training on railroad~~
2 ~~and highway grade crossing safety and on sharing the road with motorcycles and~~
3 ~~tractor/trailer trucks and at least thirty minutes of instruction relative to organ and~~
4 ~~tissue donation, approved by the Department of Public Safety and Corrections or the~~
5 ~~Department of Education.~~ The Department of Public Safety and Corrections, Public
6 Safety Services, shall establish rules and regulations to administer and define the
7 requirements of the course.

8 (2) A "prelicensing training course" from any person seventeen years or
9 older if a ~~behind-the-wheel course~~ driver education course is not completed. The
10 prelicensing training course shall consist of a minimum of six hours of instruction
11 in the National Safety Council's defensive driving course, Louisiana's traffic safety
12 laws, and substance abuse education, or shall be an equivalent course approved and
13 certified by the Department of Public Safety and Corrections. The Department of
14 Public Safety and Corrections, Public Safety Services, shall establish rules and
15 regulations to adminster and define the requirements of the course. ~~The course shall~~
16 ~~include training in railroad and highway grade crossing safety and on sharing the~~
17 ~~road with motorcycles and tractor/trailer trucks and at least thirty minutes of~~
18 ~~instruction relative to organ and tissue donation. The secretary of the Department~~
19 ~~of Public Safety and Corrections shall adopt rules relating to the "prelicensing~~
20 ~~training course".~~ Oversight review of these rules shall be conducted by the House
21 and Senate Committees on Transportation, Highways and Public Works. The rules
22 shall provide for:

23 (a) Licensing or contractual requires for third party of training agencies
24 schools and high school instructors.

25 * * *

26 (g) ~~Fees, which shall not exceed fifty dollars per student.~~

27 (h) (g) Penalties for non-compliance of the mandatory instructional and
28 driving requirements and penalties for the falsification of documents and certificates.

29 * * *

§407. Application of minors; revocation; applications of persons less than twenty-one years of age

A.(1)

* * *

(2)(a) Upon completion of a driver's education course approved by the Department of Public Safety and Corrections, Public Safety Services, ~~or the Department of Education~~ and upon passing a visual examination and a road knowledge test, including rules of the road, signs, and signals, sharing the road with motorcycles and tractor/trailer trucks, and not less than two questions relative to railroad and highway grade railroad safety, an applicant at least fifteen years of age, but less than seventeen years of age, applying for the first time may be issued a Class "E" learner's license. The license may be issued for a four-year period at the same fee as a Class "E" driver's license and must be maintained for at least one hundred eighty days, unless prior to such time the driver reaches seventeen years of age, prior to being converted to a Class "E" intermediate driver's license. The Class "E" learner's license shall authorize the holder to drive while being accompanied by a licensed parent, guardian, adult at least age twenty-one or older, or licensed sibling at least age eighteen or older.

* * *

(4) The intermediate license shall restrict those under the age of seventeen from driving between 11:00 p.m. and 5:00 a.m. unless otherwise accompanied by a licensed parent or guardian, a licensed adult at least twenty-one years of age, or a licensed sibling at least eighteen years of age. In addition to a licensed parent, sibling, or guardian, there may be other members of the ~~permittee's~~ licensee's immediate family in the vehicle. Unless accompanied by a licensed parent, guardian, or adult at least age twenty-one or older, an intermediate licensee may not between the hours of 6:00 p.m. and 5:00 a.m. transport more than one passenger that is under twenty-one years of age and not a member of the intermediate licensee's immediate family. When the intermediate licensee is accompanied by a driver's education

~~teacher~~ instructor, there may be one or more fellow driver's education students in the vehicle. The intermediate licensee shall not place the vehicle in motion until every occupant of the vehicle has been restrained by a properly fastened seat belt or other occupant restraint system unless such person is not required to be restrained pursuant to R.S. 32:295.1.

* * *

(6) The department may establish rules and regulations to extend the term of the intermediate license if an applicant's license has been suspended, the applicant has been placed on probation by a court due to a driving violation, or the applicant has violated any of the provisions of Paragraph (5) of this Subsection. The term of the extension of the intermediate license shall be for no less than thirty days nor more than one hundred eighty days from the end of any suspension or probation period, or from the date he would otherwise have been eligible to apply for a Class "E" permanent license in the case of a violation of Paragraph (5) of this Subsection. The applicant shall attend and successfully complete either an approved driver education course or prelicensing training course established under contract or license with the Department of Public Safety and Corrections, Public Safety Services, regardless of any prior completion of such course, as a condition of reinstatement of the license suspended pursuant to this Paragraph. The licensee shall have the right to an administrative hearing to appeal the determination of the department to extend the applicant's intermediate license. The provisions of this Paragraph shall apply to any licensee who has not attained the age of eighteen.

* * *

§408. Examination of applicants required; classes of licenses

A.(1)

* * *

(4)(a) The knowledge and skills tests for all applicants may be administered by the department or the department may elect to authorize a third party, including another state, an employer, a public license tag agent, a private training facility or

1 other private institution, driver education course provider, or a department, agency,
2 or instrumentality of state or local government, to administer knowledge and skills
3 tests to applicants for Class "D" or "E" drivers' licenses and to administer skills tests
4 to applicants for a Class "A", "B", or "C" commercial driver's license. The
5 department may contract with or enter into agreements with such third parties or
6 certify or license them to perform the testing. However, the department shall ensure
7 that examiners are qualified to administer the tests on the basis of training or other
8 experience. The department shall establish minimum qualifications for persons
9 administering driver's license tests and prescribe the procedures to be used, including
10 procedures which ensure confidentiality of tests. The tests given by the third party
11 shall be the same as those that would otherwise be given by the department.

12 * * *

13 §408.1. Third party testing; proof of testing

14 The Department of Public Safety and Corrections, Public Safety Services,
15 may ~~authorize~~ contract with or license another state, an employer, a private driver
16 training facility, driver education course provider, or other private institution, or a
17 department, agency or instrumentality of a local government to administer the skills
18 tests as specified herein if all of the following conditions are met:

19 (1)

20 * * *

21 (2) The third party has ~~an agreement~~ a contract or license with the
22 department containing, at a minimum, provisions which:

23 (a) Allow the Department of Public Safety and Corrections, Public Safety
24 Services, or its representative to conduct random examinations, inspections, and
25 audits without prior notice;

26 (b) Require the Department of Public Safety and Corrections, Public Safety
27 Services, to conduct on-site inspections at least annually;

(c) Require that all third party examiners meet the same qualification and training standards as Department of Public Safety and Corrections examiners to the extent necessary to conduct skills tests in compliance herein;

(d) Require that, at least on an annual basis, designated Department of Public Safety and Corrections, Public Safety Services, employees take the tests actually administered by the third party as if said employee were a test applicant, or that the Department of Public Safety and Corrections, Public Safety Services, test a sample of drivers who were examined by the third party to compare pass/fail results; and

(e) Reserve unto the Department of Public Safety and Corrections, Public Safety Services, the right to take prompt and appropriate remedial action against the third-party testers in the event that the third-party fails to comply with state or federal standards for the commercial driver's license testing program or with any other terms of the third-party contract.

* * *

§416. Unlawful operation by persons under the age of seventeen; parents responsible

No person shall cause or knowingly permit his child or ward, under the age of seventeen years, to drive a motor vehicle or a power cycle upon any public road or highway unless such child or ward is licensed by the state to do so. However, the provisions of this Section shall not apply to a minor who is participating in a driver education course or a prelicensing training course approved and certified by the Department of Public Safety and Corrections, Public Safety Services ~~or the Department of Education~~.

§417. Allowing unlicensed person under the age of seventeen to drive

A. It shall be unlawful for any person to cause or knowingly permit a minor child under the age of seventeen to drive a motor vehicle or a power cycle upon any public road or highway in this state unless such child shall have first obtained a license to drive a motor vehicle or a power cycle. However, the provisions of this Subsection shall not apply to a minor who is participating in a driver education course or a prelicensing training course approved and certified by the Department of

1 Public Safety and Corrections, Public Safety Services or the ~~Department of~~
2 ~~Education~~.

3 * * *

4 §422. Learner's license; driving school instruction permit; special restrictions on
5 motorcycles

6 A. Any person who is at least seventeen years of age may apply to the
7 department for a learner's license to drive motor vehicles or power cycles, provided
8 such person has completed a driving course in accordance with R.S. 32:402.1. The
9 department may, in its discretion, after the applicant has successfully passed all parts
10 of the examination, other than the driving test, issue to the applicant a learner's
11 license at the regular fee of a Class "E" driver's license, which shall entitle the
12 applicant while having such license in his immediate possession to drive a motor
13 vehicle upon public highways when accompanied by a licensed parent or guardian,
14 by a licensed adult at least twenty-one years of age, or by a licensed sibling at least
15 eighteen years of age. In addition to a licensed parent, sibling, guardian, or adult,
16 there may be other members of the ~~permittee's~~ licensee's immediate family in the
17 vehicle, and when accompanied by a driver's education ~~teacher~~ instructor, there may
18 be one or more fellow driver's education students in the vehicle. It shall be unlawful
19 for any other person to accompany the beginner and licensed driver, except in the
20 event the applicant is operating a motorcycle. Any person under the age of
21 seventeen who has a valid learner's license and is operating a motorcycle is restricted
22 to a distance of three miles from the applicant's residence, unless a parent, tutor, or
23 other person having custody is temporarily staying or residing at another location,
24 where the applicant would be restricted to within three miles of that location. Any
25 person seventeen years of age or older being issued a learner's license may apply for
26 a regular Class "E" license thirty days after the issuance of a learner's license, or at
27 any time after the issuance of the learner's license provided the applicant provides
28 proof that the applicant has completed an approved thirty-six hour driver education
29 course, and there shall not be any additional fee for the regular license.

B. Any person who is at least fifteen years of age may apply to the department for a school instruction permit if he is enrolled in a driver education course conducted by a person who meets certification requirements as established by ~~the State Board of Elementary and Secondary Education or the Department of Public Safety and Corrections,~~ Public Safety Services, for ~~teachers~~ instructors of driver education and traffic safety. The department may, in its discretion, after the applicant has successfully passed all parts of the examination, other than the driving test, issue to the applicant a school instruction permit for which no fee shall be charged. Such driving school instruction permit shall be valid only during the period of such instruction, and when the person to whom the permit is issued is accompanied by the ~~high school~~ instructor of driver education and traffic safety. Such permit shall be in the possession of the instructor during the period of its validity and shall be presented at any time for examination, when so requested by any law enforcement officer. Upon completion of such course of instruction, it shall be the responsibility of the instructor, as directed by the department, to return for cancellation any and all permits which have been issued and are held by him.

* * *

§422.1. Driver training school permits

A. Persons licensed or contracted with by the Department of Public Safety and Corrections, Public Safety Services, to engage in the business of operating a driver training school or ~~licensed~~ approved and certified instructors for such schools shall be authorized to issue Class "E" student driving permits on forms provided by the Department of Public Safety and Corrections, Public Safety Services, in accordance with rules and regulations of the department. The Class "E" driving training school permits may be issued to persons who meet the age requirement for ~~public school~~ driver education courses. Such permit shall be valid only when the student is accompanied by a ~~licensed~~ an approved and certified instructor, and the licensed instructor shall maintain possession of the permit for a period of time established by rule. A copy of the same permit shall be given to the student upon completion of the course with certification thereon of the instructor as to the student's

1 qualification to drive. Improper issuance of such permit shall subject both the
2 driving instructor training school and the instructor to suspension or revocation of
3 license.

4 B. The Department of Public Safety and Corrections, Public Safety Services,
5 shall provide written notice to each operator of a driver training school or licensed
6 instructor for such schools of the requirements contained in ~~R.S. 17:270~~ and R.S.
7 32:402.1.

8 * * *

9 Section 3. R.S. 40:1461(A) and (C) are hereby amended and reenacted to read as
10 follows:

11 §1461. ~~Licensing of~~ Requirements for private training and driving instructor schools

12 A. Every person engaged in the business of operating a private driving
13 instructor training school or agency, or providing driving courses, shall apply for and
14 procure a license from the Department of Public Safety and Corrections, Public
15 Safety Services. No person shall advertise or otherwise hold himself before the
16 public, for remuneration, as qualified, ~~or licensed, or otherwise approved~~ to train or
17 instruct without having first obtained a license or contract with the Department of
18 Public Safety and Corrections, Public Safety Services.

19 * * *

20 C. The deputy secretary of the Department of Public Safety and Corrections,
21 Public Safety Services, may ~~make~~ establish rules and regulations governing the
22 ~~making~~, issuance; and revocation of ~~licenses~~ requirements and qualifications of each
23 applicant and enumerating the terms of the contract and causes of suspension or
24 revocation of the contract and possible fines for violations committed thereunder.

25 * * *

26 Section 4. R.S. 47:305.26 and 479.1 are hereby amended and reenacted to read as
27 follows:

28 §305.26. Exclusions and exemptions; new vehicles furnished by dealers for driver
29 education purposes

1 Solely for purposes of the sales or use tax levied by the state, such tax shall
2 not be due on vehicles furnished by a dealer ~~in~~ on new vehicles when withdrawn
3 from inventory and furnished to a secondary school, college or public school board
4 on a free loan basis for exclusive use in a driver education program ~~accredited~~
5 licensed by the Louisiana Department of ~~Education~~ Corrections and Public Safety,
6 Public Safety Services.

7 * * *

§479.1. Exemption from registration, title, and license fee or tax for dealers;
vehicles used exclusively in driver education programs

10 No dealer in new vehicles shall be required to pay the registration, title, and
11 license fee or tax when registering a new vehicle withdrawn from inventory and
12 furnished to any secondary school, college, or public school board on a free loan
13 basis for exclusive use in a driver education program ~~accredited~~ licensed by the
14 Department of ~~Education~~ Corrections and Public Safety, Public Safety Services.

15 Section 5. R.S. 17:270, 271 and 271.1 are hereby repealed in their entirety.

Section 6. R.S. 32:402.1(A)(3)(a), (b), (B) and (C) and 402.2 are hereby repealed
in their entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Carter

HB No. 534

Abstract: Consolidates driver's education programs under the auspices of the Department of Public Safety and Corrections, Public Safety Services.

Present law provides for a rate reduction for insurance upon application of a rate filing by the carrier on motor vehicle liability and physical damage insurance where the insured and principal operator, regardless of age, produces certification from the National Safety Council or its registered cooperating agencies, evidencing successful completion of the National Safety Council Defensive Driving Course or certification of successful completion of a defensive driving course approved and certified by the Department of Public Safety and Corrections. The credit shall not apply to policies subject to a discount for an approved driver education course sanctioned by the Department of Education.

Proposed law provides the credit shall not apply to policies subject to a discount for an approved driver education course sanctioned by the Department of Public Safety and Corrections, Public Safety Services.

Present law provides that it is unlawful to drive a motor vehicle on a public street unless the driver is licensed except for an unlicensed minor participating in a driver education course or a prelicensing training course approved and certified by the Department of Public Safety and Corrections or Department of Education.

Proposed law provides that it is unlawful to drive a motor vehicle on a public street unless the driver is licensed except for an unlicensed minor participating in a driver education course or a prelicensing training course approved and certified by the Department of Public Safety and Corrections, Public Safety Services.

Present law provides that no application for a license for the operation of a motor vehicle shall be received from any person seventeen years or older making application for the first time unless there is also submitted with the application, on a form approved by the secretary of the Department of Public Safety and Corrections or the Department of Education, written evidence of the successful completion by the applicant of:

- (1) A "driver education course", which shall consist of not less than eight hours of actual driving experience and thirty hours of classroom instruction, including but not limited to training on railroad and highway grade crossing safety and on sharing the road with motorcycles and tractor/trailer trucks and at least thirty minutes of instruction relative to organ and tissue donation, approved by the Department of Public Safety and Corrections or the Department of Education.
- (2) A "prelicensing training course" if a behind-the-wheel course is not completed. The prelicensing training course shall consist of a minimum of six hours of instruction in the National Safety Council's defensive driving course, Louisiana's traffic safety laws, and substance abuse education, or shall be an equivalent course approved and certified by the Department of Public Safety and Corrections. The course shall include training in railroad and highway grade crossing safety and on sharing the road with motorcycles and tractor/trailer trucks and at least thirty minutes of instruction relative to organ and tissue donation.

Proposed law provides that no application for a license for the operation of a motor vehicle shall be received from any person making application for the first time unless there is also submitted with the application, on a form approved by the secretary of the Department of Public Safety and Corrections, Public Safety Services, written evidence of the successful completion by the applicant of one of the following:

- (1) A "driver education course", for minors under the age of 17 which shall consist of not less than eight hours of actual driving instruction. The Department of Public Safety and Corrections, Public Safety Services, shall establish rules and regulations to administer and define the requirements of the course.
- (2) A "prelicensing training course" from any person 17 years or older if a driver education course is not completed. The prelicensing training course shall consist of a minimum of six hours of instruction. The Department of Public Safety and Corrections, Public Safety Services, shall establish rules and regulations to administer and define the requirements of the course.
- (3) Oversight review of these rules shall be conducted by the House and Senate Committees on Transportation, Highways and Public Works. The proposed law provides the minimum of which the rules and regulations shall cover.

Present law upon completion of a driver's education course approved by the Department of Public Safety and Corrections or the Department of Education and upon passing a visual examination and a road knowledge test, including rules of the road, signs, and signals, sharing the road with motorcycles and tractor/trailer trucks, and not less than two questions relative to railroad and highway grade railroad safety, an applicant at least fifteen years of

age, but less than seventeen years of age, applying for the first time may be issued a Class "E" learner's license.

Proposed law upon completion of a driver's education course approved by the Department of Public Safety and Corrections, Public Safety Services, and upon passing a visual examination and a road knowledge test, including rules of the road, signs, and signals, sharing the road with motorcycles and tractor/trailer trucks, and not less than two questions relative to railroad and highway grade railroad safety, an applicant at least fifteen years of age, but less than seventeen years of age, applying for the first time may be issued a Class "E" learner's license.

Present law provides that the intermediate license shall restrict those under the age of seventeen from driving between 11:00 p.m. and 5:00 a.m. unless otherwise accompanied by a licensed parent or guardian, a licensed adult at least twenty-one years of age, or a licensed sibling at least eighteen years of age. In addition to a licensed parent, sibling, or guardian, there may be other members of the permittee's immediate family in the vehicle. Unless accompanied by a licensed parent, guardian, or adult at least age twenty-one or older, an intermediate licensee may not between the hours of 6:00 p.m. and 5:00 a.m. transport more than one passenger that is under twenty-one years of age and not a member of the intermediate licensee's immediate family. When the intermediate licensee is accompanied by a driver's education teacher, there may be one or more fellow driver's education students in the vehicle.

Proposed law provides that the intermediate license shall restrict those under the age of seventeen from driving between 11:00 p.m. and 5:00 a.m. unless otherwise accompanied by a licensed parent or guardian, a licensed adult at least twenty-one years of age, or a licensed sibling at least eighteen years of age. In addition to a licensed parent, sibling, or guardian, there may be other members of the licensee's immediate family in the vehicle. Unless accompanied by a licensed parent, guardian, or adult at least age twenty-one or older, an intermediate licensee may not between the hours of 6:00 p.m. and 5:00 a.m. transport more than one passenger that is under twenty-one years of age and not a member of the intermediate licensee's immediate family. When the intermediate licensee is accompanied by a driver's education instructor, there may be one or more fellow driver's education students in the vehicle.

Present law provides that the department may establish rules and regulations to extend the term of the intermediate license if an applicant's license has been suspended, the applicant has been placed on probation by a court due to a driving violation, or the applicant has violated any of the certain portions of law. The applicant shall attend and successfully complete either an approved driver education course or prelicensing training course.

Proposed law provides that the department may establish rules and regulations to extend the term of the intermediate license if an applicant's license has been suspended, the applicant has been placed on probation by a court due to a driving violation, or the applicant has violated any of the certain portions of law. The applicant shall attend and successfully complete either an approved driver education course or prelicensing training course established under contract or license with the Department of Public Safety and Corrections, Public Safety Services.

Present law provides that the knowledge and skills tests for all applicants may be administered by the department or the department may elect to authorize a third party, including another state, an employer, a public license tag agent, a private training facility or other private institution, or a department, agency, or instrumentality of state or local government, to administer knowledge and skills tests to applicants for Class "D" or "E" drivers' licenses and to administer skills tests to applicants for a Class "A", "B", or "C" commercial driver's license.

Proposed law provides that the knowledge and skills tests for all applicants may be

administered by the department or the department may elect to authorize a third party, including another state, an employer, a public license tag agent, a private training facility or other private institution, driver education course provider, or a department, agency, or instrumentality of state or local government, to administer knowledge and skills tests to applicants for Class "D" or "E" drivers' licenses and to administer skills tests to applicants for a Class "A", "B", or "C" commercial driver's license.

Present law provides that the Department of Public Safety and Corrections may authorize another state, an employer, a private driver training facility or other private institution, or a department, agency or instrumentality of a local government to administer the skills tests as specified herein if certain conditions are met.

Proposed law provides that the Department of Public Safety and Corrections, Public Safety Services, may contract with or license another state, an employer, a private driver training facility, driver education course provider or other private institution, or a department, agency or instrumentality of a local government to administer the skills tests as specified herein if certain conditions are met.

Present law provides that no person shall cause or knowingly permit his child or ward, under the age of seventeen years, to drive a motor vehicle or a power cycle upon any public road or highway unless such child or ward is licensed by the state to do so. However, the provisions of this Section shall not apply to a minor who is participating in a driver education course or a prelicensing training course approved and certified by the Department of Public Safety and Corrections or the Department of Education.

Proposed law provides that no person shall cause or knowingly permit his child or ward, under the age of seventeen years, to drive a motor vehicle or a power cycle upon any public road or highway unless such child or ward is licensed by the state to do so. However, the provisions of this Section shall not apply to a minor who is participating in a driver education course or a prelicensing training course approved and certified by the Department of Public Safety and Corrections.

Present law provides that any person who is at least fifteen years of age may apply to the department for a school instruction permit if he is enrolled in a driver education course conducted by a person who meets certification requirements as established by the State Board of Elementary and Secondary Education or the Department of Public Safety and Corrections for teachers of driver education and traffic safety. The department may, in its discretion, after the applicant has successfully passed all parts of the examination, other than the driving test, issue to the applicant a school instruction permit for which no fee shall be charged. Such school instruction permit shall be valid only during the period of such instruction, and when the person to whom the permit is issued is accompanied by the high school instructor of driver education and traffic safety. Such permit shall be in the possession of the instructor during the period of its validity and shall be presented at any time for examination, when so requested by any law enforcement officer.

Proposed law provides that any person who is at least fifteen years of age may apply to the department for a school instruction permit if he is enrolled in a driver education course conducted by a person who meets certification requirements as established by the Department of Public Safety and Corrections, Public Safety Services for instructors of driver education and traffic safety. The department may, in its discretion, after the applicant has successfully passed all parts of the examination, other than the driving test, issue to the applicant a school instruction permit for which no fee shall be charged. Such driving school instruction permit shall be valid only during the period of such instruction, and when the person to whom the permit is issued is accompanied by the high school instructor of driver education and traffic safety. Such permit shall be in the possession of the instructor during the period of its validity and shall be presented at any time for examination, when so requested by any law enforcement officer.

Present law provides that persons licensed by the Department of Public Safety and Corrections to engage in the business of operating a driver training school or licensed instructors for such schools shall be authorized to issue Class "E" student driving permits on forms provided by the Department of Public Safety and Corrections in accordance with rules and regulations of the department. The Class "E" driving training school permits may be issued to persons who meet the age requirement for public school driver education courses. Such permit shall be valid only when the student is accompanied by a licensed instructor, and the licensed instructor shall maintain possession of the permit.

Proposed law provides that persons licensed by or contracted with the Department of Public Safety and Corrections, Public Safety Services, to engage in the business of operating a driver training school or approved or certified instructors for such schools shall be authorized to issue Class "E" student driving permits on forms provided by the Department of Public Safety and Corrections in accordance with rules and regulations of the department. The Class "E" driving training school permits may be issued to persons who meet the age requirement for public school driver education courses. Such permit shall be valid only when the student is accompanied by an approved or certified instructor, and the licensed instructor shall maintain possession of the permit for a period of time established by rule.

Present law provides that every person engaged in the business of operating a private driving instructor training school or agency, or providing driving courses, shall apply for and procure a license from the Department of Public Safety. No person shall advertise or otherwise hold himself before the public, for remuneration, as qualified or licensed to train or instruct without having first obtained a license.

Proposed law provides that every person engaged in the business of operating a private driving instructor training school or agency, or providing driving courses, shall apply for and procure a license or contract from the Department of Public Safety, Public Safety Services. No person shall advertise or otherwise hold himself before the public, for remuneration, as qualified, licensed or otherwise approved to train or instruct without having first obtained a license.

Present law provides that the secretary of the Department of Public Safety may make rules and regulations governing the making, issuance; and revocation of licenses and qualifications of each applicant.

Proposed law provides that the deputy secretary of the Department of Public Safety and Corrections, Public Safety Services, may establish rules and regulations governing the issuance, and revocation of requirements and qualifications of each applicant and enumerating the terms of the contract and causes of suspension or revocation of the contract and possible fines for violations committed thereunder.

Present law provides that solely for purposes of the sales or use tax levied by the state, such tax shall not be due on vehicles furnished by a dealer in new vehicles when withdrawn from inventory and furnished to a secondary school, college or public school board on a free loan basis for exclusive use in a driver education program accredited by the Louisiana Department of Education.

Proposed law provides that solely for purposes of the sales or use tax levied by the state, such tax shall not be due on vehicles furnished by a dealer in new vehicles when withdrawn from inventory and furnished to a secondary school, college or public school board on a free loan basis for exclusive use in a driver education program accredited by the Louisiana Department of Public Safety and Corrections, Public Safety Services.

Present law provides that no dealer in new vehicles shall be required to pay the registration, title, and license fee or tax when registering a new vehicle withdrawn from inventory and furnished to any secondary school, college, or public school board on a free loan basis for exclusive use in a driver education program accredited by the Department of Education.

Proposed law provides that no dealer in new vehicles shall be required to pay the registration, title, and license fee or tax when registering a new vehicle withdrawn from inventory and furnished to any secondary school, college, or public school board on a free loan basis for exclusive use in a driver education program accredited by the Public Safety and Corrections, Public Safety Services.

Present law provides that the State Board of Elementary and Secondary Education and the state Department of Education, in consultation with the Department of Public Safety and Corrections, shall establish and operate a driver education and training program for children.

Proposed law repeals present law.

Present law provides that the State Board of Elementary and Secondary Education and the state Department of Education, in consultation with the Department of Public Safety and Corrections, shall establish and operate a driver education and training program in each parish of this state for adults.

Proposed law repeals present law.

Present law provides that each city and parish school board, when sufficient funds are not provided by state or federal funding sources for drivers education and training programs, may authorize the conduct of such programs for secondary school students or adults at any school site within their jurisdiction on such a fee-paying basis as is necessary to cover the expenses associated with the conduct of such training, including the salary and benefits of an instructor.

Proposed law repeals present law.

Present law provides that no student shall be required to take the organ and tissue donation instruction required as part of any "driver education course" or "prelicensing training course" if he, or his parent or tutor if he is a minor, submits a written statement indicating that such instruction conflicts with his religious beliefs.

Proposed law repeals present law.

Present law provides the portion of the "driver education course" or "prelicensing training course" approved by the Department of Public Safety and Corrections involving instruction on organ and tissue donation shall be developed in conjunction with the federally designated organ procurement organization for the state of Louisiana.

Proposed law repeals present law.

Present law provides the provisions of this R.S. 32:402.1 shall not apply to any person applying for a renewal license or to any person living twenty-five miles or more distant from a location providing a "prelicensing training course".

Proposed law repeals present law.

Present law provides that beginning one year after the appropriation of funds by the legislature to the State Department of Education for the implementation of a driver education and training program for all children of secondary school age in each parish of this state, and upon the certification by the state superintendent of education to the secretary of public safety that such program is operating in each parish of this state, no application for the operation of a motor vehicle shall be received from a minor sixteen years of age or older unless there is also submitted with the application, on a form approved by the secretary of public safety, written evidence of the successful completion by the applicant of a "driver education course" approved by the State Board of Elementary and Secondary Education or the Department of Public Safety and Corrections.

Proposed law repeals present law.

Present law provides that the Department of Public Safety and Corrections, office of motor vehicles, may approve court-ordered driver remediation courses or programs, in the same manner as "prelicensing training courses" are approved by present law . All such approved driver remediation courses or programs shall include instruction on railroad grade crossing safety and on sharing the road with motorcycles and tractor/trailer trucks and at least thirty minutes of instruction relative to organ and tissue donation. The State Board of Elementary and Secondary Education and the state Department of Education shall develop the organ and tissue donation portion of the driver education and training program in conjunction with the federally designated organ procurement organization for the state of Louisiana. However, no student shall be required to take the organ and tissue donation instruction if he, or his parent or tutor if the student is a minor, submits a written statement indicating that such instruction conflicts with his religious beliefs. The department shall compile and maintain a list of all department-approved courses which shall be delivered to all persons who are decreed by a court to be traffic violators and who are ordered by a court to attend a driver improvement course for remediation purposes. The court shall allow a violator to select a course within the judicial district in which he resides if there is no court-approved driving course in such district provided that it is one of the courses on the department-approved list.

Proposed law repeals present law.

(Amends R.S.32:402(B)(1)(a)(ii)(bb), 402.1(A)(introductory paragraph), (A)(1), (A)(2), (A)(2)(a), (g) and (h), 407(A)(2)(a), (4) and (6), 408(A)(4)(a), 408.1 (introductory paragraph), (2), (2)(a), (2)(b), (2)(c), (2)(d), and (2)(e), 416, 417, 422(A) and (B), 422.1 (A) and (B), R.S. 40:1461(A) and (C), R.S. 47:305.26 and 479.1; Repeals R.S. 17:270, 271 and 271.1, R.S. 32:402.1(A)(3)(a),(b), (B) and (C))